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FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 POWER VENTURES, INC. a Cayman Island
corporation, STEVE VACHANI, an individual;
20 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

21 Defendants.
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Case No. 5:08-cv-05780-LHK

**FACEBOOK, INC'S NOTICE OF
DEFENDANT'S FAILURE TO OBJECT
TO FACEBOOK'S PROPOSED
REINSTATEMENT AND
SUPPLEMENTATION OF TAXABLE
COSTS**

Dept: Courtroom 8, 4th Floor
Judge: Hon. Judge Lucy H. Koh

On May 16, 2017, pursuant to Civil Local Rule 54-1, Plaintiff Facebook, Inc. (“Facebook”) requested (Dkt. No. 443) that this Court reinstate the taxable costs of \$49,637.93 previously awarded the company on January 2, 2014 (Dkt No. 390) due to its once again receiving Judgment in its favor against both Defendants Power Ventures, Inc. and Steven Vachani (Dkt. No. 437), and thereby prevailing on its claims for violations of the Computer Fraud and Abuse Act (“CFAA”) and California Penal Code Section 502(c). Facebook also separately requested (Dkt. No. 444) that the Court supplement its prior award of costs to Facebook in order to reflect that Facebook had incurred \$131.75 in additional taxable costs subsequent to the remand of this matter from the Ninth Circuit. *See* Dkt Nos. 444-1 & 444-2. Accordingly, Facebook requested a total of \$49,769.68 in taxable costs. Facebook further noted that it was entitled to post-judgment interest on all damages and costs awarded pursuant to 28 U.S.C. § 1961 compounded at the rate of 0.11% -- the rate applicable¹ on September 25, 2013, when this Court originally entered Judgment (Dkt. No. 374) on the relevant claims.

Pursuant to Civil Local Rule 54-2, Defendants were required by May 30, 2016 to provide specific objections to any of the taxable costs requested by Facebook, and further to certify that their counsel had met and conferred with counsel for Facebook about the bases for any such objections. Defendants filed no objections to Facebook’s Bill of Costs pursuant to Civil Local Rule 54-2(a), nor did they ever seek pursuant to Civil Local Rule 54-2(b) to meet and confer about any such objections.²

In light of Defendants’ failure to specify any objections to Facebook’s Bill of Costs, Facebook asks that the Court award it \$49,769.68 in taxable costs, compounded at the rate of 0.11%.

¹ *See* the federal post-judgment interest rate applicable for the week ending September 20, 2013, available at <http://www.utd.uscourts.gov/documents/int2013.html>

² Defendant Power Ventures on May 31, 2017 did file an untimely *ex parte* application seeking to extend the date to June 1, 2017 by which it could file any objections to the Bill of Costs. *See* Dkt. No. 449. The Court denied that untimely *ex parte* application by Court Order dated May 31, 2017. *See* Dkt. No. 450.

1 Dated: June 6, 2017

Respectfully Submitted,

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3 By: I. NEEL CHATTERJEE

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